

Recommended Language for Modification
Of Basic Contracts
Enclosure 1

4.0 Exception to U.S. Citizenship Requirement. The contractor may hire non-U.S. citizens to fill UXO personnel positions provided all of the following conditions are met:

- 4.1. Before hiring UXO Personnel who are not U.S. citizens, the contractor shall be required to demonstrate that all efforts to obtain the required number of U.S. workers have been exhausted. The documentation should reflect the extent of recruitment activities that were undertaken (e.g., nationwide recruitment notices or announcements) and include the results achieved (i.e., number of qualified U.S. applicants available for the position(s) to be filled, number of offers extended, number of declinations, rationale for not extending an offer to a qualified applicant, etc.).
- 4.2. The contractor shall be prohibited from hiring any worker whose training does not qualify the worker for doing the job for which he/she is hired. The contractor shall be required to provide a certification for each non-U.S. worker to be hired. The certification shall include a risk-based analysis of the work or activities to be performed and shall demonstrate that the proposed worker has received adequate training and experience to qualify him/her for the specific position. Completion of Explosive Ordnance Disposal (EOD) training in foreign nations that is comparable to the U.S. EOD training and in accordance with the requisite training outlined in the Minimum Standards of Proficiency for Trained Explosives Ordnance Disposal Personnel (STANAG) 2389, (<http://www.hnd.usace.army.mil/oew/interimguid.asp>), and identified in EP 1110-1-18, Ordnance and Explosives (OE) Response, 24 April 2000 (paragraphs 20, including the attachment, and 24), shall be used to demonstrate the training for proposed workers. These workers must have completed the HAZWOPER training required by OSHA. The contractor's certification shall be provided to the Contracting Officer for a determination of acceptance or rejection.
- 4.3. The non-U.S. workers hired by contractors must also meet other legal requirements for working in the U.S.
- 4.4. The contractor shall ensure that non-U.S. citizens do not have access to the classified portions of the TM-60 publications. When contractors are determining which personnel they need, this should be one of the major considerations, as this information could be critical in the performance of the contract. Additionally, the contractor must have personnel on staff who are knowledgeable of DoD policy and federal, State, and local health and safety regulations and codes.